

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ERIN K. DANNA,

Plaintiff,

v.

C.A. No. 2021-

RHODE ISLAND SCHOOL OF DESIGN,

Defendant.

NOTICE OF REMOVAL

Defendant Rhode Island School of Design (“RISD”) hereby notices the removal of this action from the State of Rhode Island Superior Court, Providence County (“Providence County Superior Court”), where it is currently pending under Civil Action No. PC-2021-08337, to the United States District Court for the District of Rhode Island.

The case is removable under 28 U.S.C. § 1441(a) because it involves federal statutory questions. A copy of all process and pleadings served upon RISD is attached as *Exhibit A*.

As grounds for its removal of this matter, RISD states as follows:

I. TIMELINESS OF REMOVAL

On April 7, 2021, RISD was served with a summons and a copy of Plaintiff’s amended complaint. Accordingly, RISD is timely filing this notice of removal within the thirty-day deadline set by 28 U.S.C. § 1446(b)(1).

II. VENUE

Because Plaintiff filed the amended complaint in Providence County Superior Court, venue is proper in this Court because it is the “district and division embracing the place where [this] action is pending.” 28 U.S.C. § 1441(a).

III. BASIS FOR REMOVAL: FEDERAL QUESTION JURISDICTION

The Court has federal question jurisdiction under 28 U.S.C. § 1331 because Plaintiff has pled causes of action under the following laws of the United States: Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a).

IV. CONCLUSION

WHEREFORE, Defendant RISD respectfully requests that the Court take subject matter and personal jurisdiction over this action and issue all necessary orders and process to remove the action from the Providence County Superior Court.

RISD will file a copy of this notice of removal with the Clerk of the Providence County Superior Court.

RHODE ISLAND SCHOOL OF DESIGN

By Its Attorneys,

/s/ Steven M. Richard
Steven M. Richard (#4403)
Nixon Peabody LLP
One Citizens Plaza, Suite 500
Providence, RI 02903
Tel: (401) 454-1020
Fax: (401) 454-1030
Email: srichard@nixonpeabody.com

Dated: April 28, 2021

CERTIFICATE OF SERVICE

I certify that on the 28th day of April, 2021, I filed this Notice of Removal via the Court's CM/ECF system and served a copy electronically upon Stephen T. Fanning, Esq. at stephenfanning@msn.com

/s/ Steven M. Richard